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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,743

05/10/2006

Helmut Schmidt

P71140US0

4419

136 7590 10/08/2008
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

10/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,743	Applicant(s) SCHMIDT, HELMUT	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer '728 in view of Breese '243.

In regard to claims 1 and 16, Mayer discloses a dialyzer 1 in combination with a connector 15,

the dialyzer having a port 6 configured to be coupled to a Hansen coupling 15. Mayer does not disclose the use of a connector that slides perpendicularly to the axis of the dialyzer port. Breese teaches the use of either a Hansen type coupling (fig. 4) or a connector (figs. 1-2, 5) with a first end 12 of the connector surrounding the lumen 42, suitable for accommodating the dialysate port in the lumen 42, a second end 18 of the connector 12 surrounding the lumen and suitable for being connected to the dialysate-carrying line, characterized in that a recess 34 with a shift element 32 accommodated in the recess is provided on the first end 12, whereby the shift element 32 is displaceable between a first position and a second position perpendicular to the direction of the lumen 42 in the first end 12, whereby in the first position the shift element does not penetrate through the lumen 42 of the first end 12, and in the second position (fig. 2) it narrows the lumen 42 of the first end 12 so that the connector with the shift element 32 is placed

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on the dialysate port 10 in the first position and in the second position it can be locked on the dialysate port by means of an undercut 26 thereon.

Therefore it would have been obvious to one of ordinary skill in the art to substitute the Hansen connector of Mayer with the connector depicted in figs. 1-2 and 5 of Breese because inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

In regard to claims 2-3 and 17, characterized in that the connector 12 consists not only of the shift element 32 but also a base body, which is composed of two interconnected essentially cylindrical sleeves (12, 18) whereby the first sleeve 12 is the first end and the second sleeve 18 is the second end,

wherein that the outside diameter of the first sleeve 12 is greater than the outside diameter of the second sleeve 18.

In regard to Claim 4, characterized in that the first sleeve 12 is suitable for accommodating a port according to DIN 58352.

In regard to Claim 5, characterized in that the lumen 42 in the first sleeve 12 has a larger diameter than the lumen (threaded interior) in the second sleeve 12.

In regard to Claim 6, characterized in that the connector is provided with a stop (the flange adjacent to 46 in fig. 5 at the end of bore 42) (“for the dialysis machine port” is intended use language) in the connecting area 42 of the two sleeves.

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In regard to Claim 7, characterized in that a sealing element 50 for sealing the connector with respect to the dialysis machine port is provided on the inside wall of the first sleeve 12 near the stop (flange extending at the end of 42).

In regard to Claim 8, characterized in that a constriction area (reduced area between bore 42 and the threaded section in 18) in the lumen is provided between the first end 12 and the second end 18.

In regard to Claim 9, characterized in that the recess consists of two opposite recesses 34.

In regard to Claims 10 and 18, characterized in that the shift element 32 has a first opening (space between 32 and 36) which does not constrict the lumen 42 in the first end 12 in the first position and has a second opening (space between arms 38) which is connected to the first opening in the direction of shifting and which constricts the lumen 42 in the first end 12 in the direction of the recesses 34 in the second position.

In regard to Claims 11-12 and 19, characterized in that the first opening (spaces between 32, 36) has a round shape and the second opening (spaces between 38) has an elongated shape so that the overall shape is that of a keyhole,

wherein that the first opening (spaces between 32, 36) has catch projections (flats at the bottom end of sections 32 and 36), which can engage with complementary recesses 34 on the first end 12 of the connector for the purpose of engaging the shift element 32 in the first position.

In regard to Claim 13, characterized in that the complementary recesses 34 are additionally provided symmetrically on the first end 12 of the connector on the opposite side of the lumen in the direction of shifting (see fig. 2 where the cross hatched surfaces 30 are identical above and below 10).

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In regard to Claims 14 and 20, characterized in that the second opening (space between arms 38) is provided with an expanded opening area (spaces between 32, 36) perpendicular to the direction of shifting (“for accommodating the dialysis machine port for engagement of the shift element in the second position” is intended use language).

In regard to Claims 15 and 21, characterized in that the elongated border of the second opening (space between arms 38) has a wall thickness that tapers with a slope (the rounded surface has a slope) toward the opening 34 and has a form-fitting engagement with a corresponding slope (slope of concave surface 26) on the undercut 26 of the dialysis machine port 20.

Response to Arguments

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/
Primary Examiner, Art Unit 3679